THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15840 of 2007

Dated:14.08.2007

Between:

Mohd.Rasool, S/o.Ali

…Petitioner

and

The Gram Panchayat, Mudimanikyam Village,
Represented by its Panchayat Secretary,
Mudimanikyam Village, Chigurumamidi Mandal,
Karimnagar District,
and others.

…Respondents

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ORDER:

The petitioner is the owner of land admeasuring Ac.1.23 guntas in Survey No.267/A situated at Mudimanikyam Village of Chigurumamidi Mandal in Karimnagar District. He dug a bore well in June 2007. When he was taking steps to fix submersible motor pump on 20.07.2007, the respondents prevented him. Therefore, he filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents as illegal and arbitrary, and for a consequential direction to the respondents not to interfere with the activities of the petitioner.

The main allegation is made against the Gram Panchayat. Therefore, the learned Standing Counsel for Gram Panchayat was directed to get instructions in the matter. After getting instructions, the learned Standing Counsel submits that if the petitioner is allowed to fix the submersible motor pump, ground water levels which are very less in the Village are likely to go further deep, and the people living in the Village might suffer problems. Therefore, the petitioner was not allowed to fix the bore well.

Either the learned Standing Counsel or the learned Assistant Government Pleader has not placed before this Court any notification issued by the Government under Section 11 of the Andhra Pradesh Water Land and Trees Act, 2002, prohibiting digging of bore well treating Mudimanikyam Village as over exploited Village. In that case, the Gram Panchayat or the Mandal Revenue Officer cannot interfere with the right of the petitioner to exploit ground water. In case there is any depletion of water sources in the

Village, if law permits, it is always open to the Gram Panchayat and the revenue Officials to seize the bore well after giving notice to the petitioner and paying adequate compensation to him.

Therefore, this Writ Petition is disposed of observing as above, and also observing that the respondents cannot interfere with the right of the petitioner to utilize water from the bore well. No costs.

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(V.V.S.RAO, J)

14.08.2007

Note: Issue C.C in one week.

B/o.

vs